

REMARKS

Claims 1- 45 are pending in the subject application. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the remarks as set forth herein below.

1. Claims 1, 2, 4-6, 8, 10, 13-19, 21-24, 27, 28, 30-36 and 38-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sievi-Korte et al. (US 2002/0066507 A1). This rejection is respectfully traversed.

Sievi-Korte discloses that "the material that varies in color with the temperature may be at least one part of at least one sidewall of the tire, at least one part of one tread wing area of the tire, or both of these." Clearly, this language suggests only a part of the sidewall or a part of the tread portion or both of these parts is the intended meaning of this description. More specifically, this description becomes more clear when the specific embodiments of the temperature indicator as shown in Figures 2, 3 and 4 are reviewed. Specifically, the meaning and intent of this language is limited to a letter pattern 7 (Figure 2), a button 8 (Figure 3) and pattern 9 shown as four (4) repeating curved lines (Figure 4). In all three embodiments, the colored areas are limited to a very small portion (i.e. less than 5%) of the outer surface of the tire. Nowhere in the disclosure of Sievi-Korte *et al.* is it disclosed or suggested that the colored area or areas are substantial portion of the outer surface of the tire let alone the claimed combination requiring a non-repeating colored pattern on at least 25% of the outer surface of the tire.

It is noted that other references using colored lettering (Figure 2), a color appliqué (Figure 3) or a colored repeating pattern (Figure 4) have been all previously cited in the prosecution of the subject application, and the subject reference to Sievi-Korte *et al.* adds nothing new that has not been previously considered.

The Examiner also states that "the degree to which the colored material covers the tire outer surface represents an aesthetic characteristic that does not contribute to the mechanical function of the tire." It is important to note that the subject matter of the presently claimed invention is statutory and evidenced by the numerous patents cited by the Examiner that claim at related subject matter directed to colored lettering, colored appliqués and/or colored repeating patterns and "otherwise aesthetic characteristics that do not contribute to the mechanical function of the tire."

Regarding claim 2, none of the prior art cited by the Examiner discloses or suggests the claimed invention of a non-repeating colored pattern with the tire being colored coordinated with at least one portion of the vehicle. This rejection appears to be based on improper hindsight.

2. Claim 1, 2, 4-20, 30-36, and 38-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols (US 2,874,746). This rejection is respectfully traversed.

Nichols discloses a tire having a relatively thin veneer layer 17 of non-black colored rubber stock. The non-black colored rubber stock 17 is not a colored pattern let alone a non-

repeating colored pattern on at least 25% of the outer surface of the tire according to the claimed combination. Thus, Nichols does not teach or suggest the claimed invention.

3. Claims 1, 2, 4-8, 10-21, 22, 24, 26, 28, 30-36, 38-41 and 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogal (German, D.E. 19613801). This rejection is respectfully traversed.

Rogal discloses a motor vehicle tire with the side surfaces and/or tread surface colored with at least one pigment. Rogal does not disclose a colored pattern let alone a non-repeating colored pattern on at least 25% of the outer surface of the tire according to the claimed combination. Thus, Rogal does not teach or suggest the claimed invention.

4. Claims 1, 2, 4, 5, 9, 21, 22, 25, 28-35, 37, 39, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creasey (US 3,814,160). This rejection is respectfully traversed.

Creasey discloses a tread wear indicator 1 that is a constant distance from the tread surface between each rib at point 2, as shown in Figure 1. Creasey does not disclose a colored pattern let alone a non-repeating colored pattern on at least 25% of the outer surface of the tire according to the claimed combination. Thus, Creasey does not teach or suggest the claimed invention. The tread pattern of Creasey is not a colored pattern according to the claimed invention. Further, the tread pattern of Creasey is a repeating tread pattern.

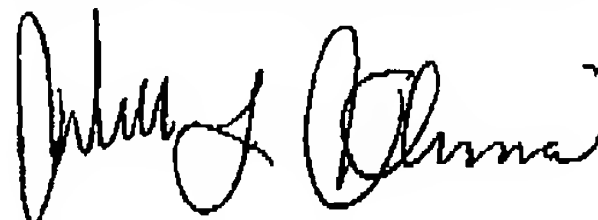
In view of the above remarks, it is believed that the claims are in condition for allowance, and allowance is respectfully requested.

It is not believed that extensions of time are required beyond those that my otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are necessary and hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-1243.

Respectfully submitted,

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